

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Lead Development Management Planner (Interim) - BBC & SHDC

**To:** Planning Committee - 07 May 2025

**(Author:** Jacob Bryan - Planning Officer)

**Purpose:** To consider Planning Application H16-1091-24

**Application Number:** H16-1091-24

**Date Received:** 30 December 2024

**Application Type:** FULL

**Description:** Erection of 100 seat spectator stand, standing terrace and 2 dugout shelters - Retrospective

**Location:** SIR HALLEY STEWART PLAYING FIELD KINGS ROAD SPALDING

**Applicant:** Spalding United Football Club Ltd 2017 **Agent:** Eddisons Barker Storey Matthews

**Ward:** Spalding Castle

**Ward Councillors:** Cllr G J Taylor

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-1091-24>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 The land is South Holland District Council owned.

### **2.0 PROPOSAL**

2.1 This is a full planning application seeking retrospective permission for the erection of a 100 seat spectator stand, standing terrace and two dugout shelters at the Sir Halley Stewart Playing Field, Kings Road, Spalding.

2.2 The works are required on site due to the club recently being promoted and therefore they must upgrade their facilities in line with FA Requirements, the club have also received funding through an FA grant.

2.3 The dug outs will be sited to the west of the playing field, running parallel with Winfrey Avenue. The seated stand is located directly opposite this, on the other side of the pitch, with the covered stand on the northern side adjacent to Kings Road.

### **3.0 SITE DESCRIPTION**

3.1 The site is located within the defined settlement boundary of Spalding as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The Sir Halley Stewart Playing Field is located fairly centrally within Spalding and sits on both Kings Road and Winfrey Avenue and is home to Spalding United Football Club.

3.2 To the east of the site, there is a small section of residential dwellings which directly abuts the

playing field, the same can be said towards the north although these are not directly adjacent. To the west, this is a predominantly commercial area including the bus station. To the south there are more residential properties, as is the case towards the town centre.

3.3 The application site lies adjacent to the boundary of Spalding Conservation Area.

## 4.0 RELEVANT PLANNING POLICIES

### 4.1 The Development Plan

#### 4.2 South East Lincolnshire Local Plan, March 2019

4.3 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.4 01 - Spatial Strategy  
02 - Development Management  
03 - Design of New Development  
04 - Approach to Flood Risk  
29 - The Historic Environment  
36 - Vehicle and Cycle Parking  
APPENDIX 6 - Parking Standards

### 4.5 National Guidance

#### 4.6 National Planning Policy Framework (NPPF), December 2024

4.7 Section 2 - Achieving sustainable development  
Section 4 - Decision-Making  
Section 6 - Building a strong, competitive economy  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed and beautiful places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 16 - Conserving and enhancing the historic environment

#### 4.8 Planning Practice Guidance (PPG)

## 5.0 RELEVANT PLANNING HISTORY

5.1 H16-0259-78 - Provision of floodlighting for football area at Sir Halley Stewart Playing Field, Winfrey Avenue, Spalding - Approved

5.2 H16-1331-79 - Continuation of use of land for siting of caravan for administrative purpose at Sir Halley Stewart Playing Field, Winfrey Avenue, Spalding - Approved

5.3 H16-0973-83 - Erection of offices - Approved

5.4 H16-0981-86 - Site portacabin as club room & erect ladies & gents toilets (remove existing club room) existing portacabin staff club room to be transferred from MJL welding Podge Hole

5.5 H16-0722-88 - Erection of clubroom on Sir Halley Stewart Playing Field - Approved

5.6 H16-1017-93 - Erection of 4 floodlight columns - Approved

## 6.0 REPRESENTATIONS

6.1 The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

### 6.2 Anglian Water

#### 6.3 Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

## WASTEWATER SERVICES

### Section 2 - Wastewater Treatment

No foul drainage proposals from the development.

### Section 3 - Used Water Network

No foul drainage proposals from the development, therefore we have no comments to make.

### Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water object to this application as they are proposing discharge of surface water to our public surface water sewer network, due to a lack of hierarchy evidence and the rate proposed does not align with Anglian Water's policy. If the applicant believes the surface water hierarchy has been fully explored, they will need to engage with us and provide evidence that all other options have been exhausted and discounted in line with the Surface Water Hierarchy and with consultation with the LLFA.

Only when this engagement has taken place and an agreement issued by Anglian Water will we remove any objections.

<https://www.anglianwater.co.uk/developing/drainage-services/sustainable-drainage-systems/surfacewater-policy/>

### 6.4 Welland and Deepings Internal Drainage Board

6.5 No comment.

### 6.6 Lincolnshire County Council Highways

6.7 Recommendation: No Objections

6.8 Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would

not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

#### Introduction/Site Location

The proposal is for the erection of 100 seat spectator stand, standing terrace and 2 dugout shelters - Retrospective. It is an established Playing field/Football club. The works are underway as the club has been promoted and they require upgraded facilities. The site is located of Kings Road, Spalding which is a central urban area to Spalding.

#### Existing Conditions

There are 70 parking spaces in the adjacent public car park and good connections to the site.

#### Highway Safety

There are no reported personal injury accidents in the vicinity of the site.

#### Highway Capacity

The proposed development is to facilitate the comforts of attendees of matches by providing seating and shelter, along with appropriate facilities for team managers. These facilities are required to comply with league rules - they are not related to the number of visitors to the site.

There is no precise definition of "severe" with regards to NPPF Paragraph 115, which advises that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport.

#### Site Layout

The site is private, and it is for the upgrade of facilities.

#### Flood Risk and Drainage

The site is in flood zone 3a - outdoor sport is considered to be water compatible. There is a very low risk of Surface Water Flooding.

Storm water will be collected from the roofs for all storms up to 1:100yr event + 40% for climate change. The proposed storm water system will discharge into the existing Anglian Water Surface Sewer located on Winfrey Avenue Road. The runoff from the roofs will be directed into a proposed 300mm gravel strip where it will undergo filtration. From there it will be collected by rainwater pipes and discharged into the Surface Water Sewer. Discharge from the site will be restricted to greenfield runoff rate and there will be an orifice plate to control the flow

6.9 South Holland District Council Environmental Health

6.10 No comments.

## **7.0 CONSIDERATIONS**

### **7.1 Evaluation**

- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 7.3 In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.
- 7.4 The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.
- 7.5 Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.
- 7.6 **Planning Considerations**
- 7.7 Principle of Development and Sustainability
- 7.8 The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.
- 7.9 Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.
- 7.10 The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.
- 7.11 The application site in this instance is in Spalding, a sub-regional centre, as detailed by Policy 1. Policy 1 details that "Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub-Regional Centres".
- 7.12 Within the South East Lincolnshire Local Plan, these areas are considered to need to accommodate the level of services and economic opportunities for the benefit of communities. By improving the Sir Halley Stewart Playing Field, this would accord to this and benefit the community through enhancements to the use of this established site. Whilst the proposal would not in itself necessarily result in an increase in the use of the site, in respect of an increased attendance or community use, the proposal would provide a betterment to the existing and established use.
- 7.13 In any case, the proposal is located within a service centre and relates to an existing and established sporting facility and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.
- 7.14 As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the

character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

- 7.15 Layout, Design and Consideration of the Character and Appearance of the Area
- 7.16 Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.
- 7.17 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.
- 7.18 Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.
- 7.19 Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.
- 7.20 These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.21 Firstly, the seated stand is located to the east of the site, directly opposite the dugout. It has a total length of 14m with a width of 3.7m and a height of roughly 3.75m. The stand has 100 seats available for supporters, with a view directly on the halfway line. It has been constructed out of corrugated sheets for both the walls and roof and looks similar to an existing covered stand to the south of the site. It would mostly be concealed from view, due to its location, and fits well within the site due to its current use; therefore, the seated stand is not considered to cause any material harm to the area.
- 7.22 Furthermore, the new dugouts comprise a location which is similar to that of the previous dugouts on site, with the sole purpose of the replacement being to provide an improvement. They are measured at 6.3m by 1.2m, with a height of 2m and comprise 12 seats each. Again, they fit well within the area due to the existing use of the site and are concealed from view of both Winfrey Avenue and Kings Road, when viewed from public vantage points outside of the application site.
- 7.23 Finally, the covered stand is the largest area depicted in this application. It has a length of 40m and a width of roughly 2.1m, with a height of 2.5m. Similar to the seated stand, it is made from corrugated sheets for both the roof and walls. Internally there are various beams for support. The stand is located to the north of the pitch and sits just in front of the managers office and the small building for supporters to congregate on match days. Overall, as this is the largest

section, it is somewhat visible through the gated entrances and turnstiles; however, in a similar light to the above, it is reasonable in respect of the area in which it is located and fits well within the current use of the site.

- 7.24 As the materials and designs accord to existing stands on site, as well as fitting into the site itself in respect of character, the retrospective erection of a 100 seat spectator stand, standing terrace and two dugouts is considered to be suitable and acceptable within this area and are of a size that is proportionate.
- 7.25 Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).
- 7.26 Impact on Residential Amenity/ Land Users
- 7.27 Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.28 Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
- 7.29 The seated stand is set at least 50m from any residential dwelling, with the majority located to the east in this instance. Whilst the occupiers of these plots would have a view of the stand from their rear windows, this would be not comprise a substantial differing viewpoint compared to that prior, nor would they lose any privacy given the proposed use and the existing operation. Furthermore, the dugouts to the west are significantly smaller than the seated stand and are also located much further away from any residential dwellings, roughly in excess of 100m to both the northern and eastern dwellings. There are existing commercial premises to the south west, meaning there would be no further impact in this direction. Finally, the covered stand to the north of the plot is around 30m away from properties along Kings Road and in excess of 60m from the eastern dwellings on Pinchbeck Road; in a similar light to the seated stand, this would not create any additional harm through overlooking or overshadowing.
- 7.30 Overall, due to the aforementioned distances from any neighbouring properties, there would be no material overlooking or overshadowing from the retrospective stands and dugout with the neighbours to the east and north of the site keeping their existing levels of privacy and sun light.
- 7.31 It should be noted that through the increase in seating, in addition to the fact that the club recently gain promotion, that this could lead to an increase in noise pollution. In any case, whilst the LPA would not be strictly aware of the exact levels of increase, the proposal itself does not necessarily result in an increase to the overall quantum visitors that access the site during matches. This is because the supporters would still have access and opportunity to visit the site, to stand around the pitch, without such development. In this regard, the seated stand does not actually increase the capacity, as it only provides additional spaces for people to sit. As such, there is not considered to be a harmful increase in noise as a result of this.
- 7.32 As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).
- 7.33 Flood Risk and Drainage

- 7.34 Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".
- 7.35 This goes on to state, within Paragraph 172, that all plans "should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".
- 7.36 Paragraph 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).
- 7.37 Paragraph 174 goes on to state that, "Within this context the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the strategic flood risk assessment being the tool to demonstrate this.
- 7.38 Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".
- 7.39 If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in Zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.
- 7.40 The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.
- 7.41 The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.
- 7.42 It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.
- 7.43 The site is located in an area of no hazard as identified in the South Holland Strategic Flood Risk Assessment, as such, there is a low actual risk of flooding. Further to this, the site does not feature habitable accommodation in any aspect due to its use and the stands/dugout should not increase flood risk on site or elsewhere as the ground in which the stands are located on are hardstanding which of course is not a permeable surface. The accompanying FRA outlines that the proposed development is appropriate for its location, as it is classed as 'water compatible'. In addition, the risk from fluvial flooding is addressed through flood resilient design and a preparation of a Flood Evacuation Plan.

- 7.44 Anglian Water were consulted on this application and have raised an objection under 'Section 4 - Surface Water Disposal'. Their objection is due to the application proposing to discharge surface water to their public surface water sewer network; as such, this has been covered off through the addition of a pre-commencement condition within the decision notice, requiring the applicant to submit details of the surface water disposal within three months of the date of the permission. Anglian Water will be consulted on a subsequent application, receiving confirmation from them that this condition can be discharged.
- 7.45 Overall, it is considered that the mitigation measures detailed and recommended by condition ensures that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.
- 7.46 Highway Safety and Parking
- 7.47 Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".
- 7.48 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.
- 7.49 Lincolnshire County Council Highways were consulted on this application and raised no objections through a detailed response covering off all relevant sections of the scheme. They have stated the following: there are 70 existing parking spaces in the adjacent public car park with good connections to the site, there are no reported personal injury accidents in the vicinity of the site either. The proposed development is to facilitate the comforts of attendees of matches by providing seating and shelter, along with appropriate facilities for team managers. These facilities are required to comply with the leagues rules and are not related to the number of visitors to the site.
- 7.50 Overall, Lincolnshire County Council Highways do not consider that this proposal would result in a severe impact, when taking account of the requirements of the National Planning Policy Framework (December 2024), with the site being located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options (walking, cycling and public transport).
- 7.51 As such, the proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).
- 7.52 Biodiversity Net Gain
- 7.53 Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.
- 7.54 The Planning Practice Guidance details that "Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory

biodiversity credits".

- 7.55 The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
  - (b) the planning authority has approved the plan, or
  - (c) the development is exempt from the biodiversity gain condition.
- 7.56 When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. This is due to the fact that the siting of the stands and dugouts is either on hard surfacing and therefore not grassed land or, in the case of the dugouts, is less than 25 square metres. The development would therefore not impact the biodiversity on the site and does not need to conform to the 10% statutory requirement.
- 7.57 **Additional Considerations**
- 7.58 Public Sector Equality Duty
- 7.59 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
  - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
  - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 7.60 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.61 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 7.62 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.63 Human Rights
- 7.64 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).
- 7.65 It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

## 8.0 RECOMMENDATIONS

- 8.1 Based on the assessment detailed above, it is recommended that the proposal should be approved subject to those conditions listed at Section 9.0 of this report.

## 9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Location Plan

02125/T1 - Proposed Site Layout Plan

02125/E1 - Elevations and Floor Plan

02125/E2 - Elevations and Floor Plan

02125/E3 - Elevations and Floor Plan

24-024/KW - Covering Letter

25011 Version V1 - Flood Risk Assessment

Storm Water Calculation Report P1

25011-001 Rev P01 - Drainage Strategy

25011-002 Rev P01 - Exceedance Flow Plan

24-024/KW - BNG Exemption Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The materials of the external surfaces (corrugated sheets etc) of the development hereby permitted shall be carried out in accordance with the details outlined within the approved plans.

Reason: In the interests of the architectural and visual integrity of the overall development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3. Within three months of the date of this permission, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2024.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

## 5. Biodiversity Net Gain

The applicant's attention is drawn to the following Biodiversity Net Gain requirement.

The effect of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

For guidance on the contents, in respect of the details that must be submitted and agreed by the Local Planning Authority, prior to the commencement of the consented development, please see the GOV.uk website and Planning Practice Guidance.

### Statutory exemptions and transitional arrangements

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These can be found at Paragraph: 003 Reference ID: 74-003-20240214 of the Planning Practice Guidance, which can be found at <https://www.gov.uk/guidance/biodiversity-net-gain>.

Based on the information available and submitted in support of this application, the Local Planning Authority considers that the development hereby permitted is exempt and therefore will not require the approval of a biodiversity gain plan, prior to the commencement of development; with the development comprising a statutory exemption as listed below: -

Both the spectator stands (seated and standing terrace) are located on hardstanding and the dugout is not located on a habitat of more than 25 square metres. Whilst the entire area is more than 25 square metres, the development would not harm more than this on actual habitat land.

As such, the development hereby permitted will not be subject to the biodiversity gain condition.

### Irreplaceable habitat

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

For clarity the LPA do not consider that irreplaceable habitats are present at this site.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

### Effect of Section 73(2D) of the 1990 Act

Under Section 73(2D) of the Town and Country Planning Act 1990 (as amended) where

- (a) a biodiversity gain plan was approved in relation to the previous planning permission ("the earlier biodiversity gain plan"), and
- (b) the conditions subject to which the planning permission is granted:
  - (i) do not affect the post-development value of the onsite habitat as specified in the earlier biodiversity gain plan, and
  - (ii) in the case of planning permission for a development where all or any part of the onsite

habitat is irreplaceable habitat within the meaning of regulations made under paragraph 18 of Schedule 7A, do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier biodiversity gain plan.

- the earlier biodiversity gain plan is regarded as approved for the purposes of paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended) in relation to the planning permission.

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

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**Appendices attached to this report:**

Appendix A - Plan A

# MapThat Scale Print Title

